

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: 12/1/18

~~Courtesy Copy~~

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

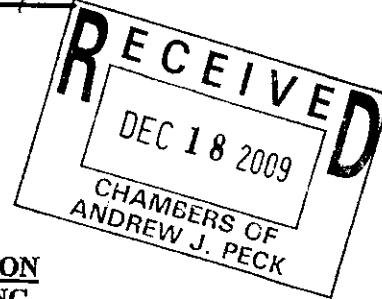
JOE SIMON-WHELAN, Individually And On Behalf Of All Others Similarly Situated,

**Plaintiff,**

-against-

THE ANDY WARHOL FOUNDATION FOR  
THE VISUAL ARTS, INC., THE ESTATE OF  
ANDY WARHOL, VINCENT FREMONT,  
VINCENT FREMONT ENTERPRISES, THE  
ANDY WARHOL ART AUTHENTICATION  
BOARD, INC., JOHN DOES 1-20, JANE DOES  
1-10, and RICHARD ROES 1-10.

### Defendants.



STIPULATION  
REGARDING  
VOLUNTARY  
DISMISSAL OF  
REMAINING CLASS  
CLAIMS

07-CV-6423 (LTS)

ECF CASE

**STIPULATION REGARDING VOLUNTARY DISMISSAL  
OF REMAINING CLASS CLAIMS**

As Plaintiff represented to this Court during the status conference on October 23, 2009, Plaintiff's class claims for declaratory judgment and unjust enrichment asserted in Plaintiff's amended complaint, dated October 19, 2007, were voluntarily dismissed pursuant to Rule 15 of the Federal Rules of Civil Procedure. All other class claims alleged by Plaintiff in his amended complaint had previously been dismissed by this Court's order, dated May 26, 2009, which denied in part and granted in part Defendants' motion to dismiss. Thus, as of October 23, 2009 this case is being litigated by Plaintiff solely on an individual basis.

MEMO ENDORSED

1. Approved  
2. The letter shall be amended to delete the reference to "Individually and in behalf of all other similarly situated." SO ORDERED.

Hon. Andrew Jay Peck  
United States Magistrate Judge

United States Magistrate Judge  
Amy Gutierrez, Clerk  
2020

Dated: December 9, 2009



Lee A. Weiss  
Brian C. Kerr  
Browne Woods George LLP  
49 West 37<sup>th</sup> Street, 15<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 354-4901  
Fax: (212) 354-4904

Seth Redniss  
Redniss LLC  
49 West 37<sup>th</sup> Street, 15<sup>th</sup> Floor  
New York, New York 10018  
Telephone: (212) 334-9200  
Fax: (212) 354-9212

*Attorneys for Plaintiff*



Philip J. Iovieno  
Boies, Schiller & Flexner LLP  
10 North Pearl Street, 4<sup>th</sup> Floor  
Albany, New York 12207  
Telephone: (518) 434-0600  
Fax: (518) 434-0665

Nicholas A. Gravante  
Boies, Schiller & Flexner LLP  
575 Lexington Avenue, 7<sup>th</sup> Floor  
New York, New York 10022  
Telephone: (212) 446-2300  
Fax: (212) 446-2350

*Attorneys for Defendants*

**FAX TRANSMITTAL SHEET**

**ANDREW J. PECK**  
**UNITED STATES MAGISTRATE JUDGE**  
**UNITED STATES DISTRICT COURT**

Southern District of New York  
 United States Courthouse  
 500 Pearl Street, Room 1370  
 New York, N.Y. 10007-1312

**Fax No.:** (212) 805-7933  
**Telephone No.:** (212) 805-0036

**Dated:** December 18, 2009

**Total Number of Pages:** 3

<b>TO</b>	<b>FAX NUMBER</b>
Brian C. Kerr, Esq., Lee A. Weiss, Esq.	212-354-4904
Seth Eric Redniss, Esq.	212-334-9212
Nicholas A. Gravante, Jr., Esq.	212-446-2350
Philip J. Iovieno, Esq.	518-434-0665
Gary D. Sesser, Esq.	212-732-3232

**TRANSCRIPTION:**

**MEMO ENDORSED 12/18/09**

1. **Approved.**
2. **The caption shall be amended to delete the reference to "Individually and on behalf of all others similarly situated."**

**Copy to:** **Judge Laura Taylor Swain**